



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF LOLD-

DATE: MAR. 5, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a dentist office, seeks to employ the Beneficiary as a dentist. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish, as required, that the Petitioner had the continuing ability to pay the proffered wage, because it failed to list its proper federal employer identification number (EIN) on the petition and labor certification.

On appeal, the Petitioner submits additional evidence and states that the EIN listed on the petition and labor certification were typos. It asserts that the evidence submitted to the record, including its federal tax return, evidence of wages paid to the Beneficiary, and a letter from the Internal Revenue Service assigning its EIN, establishes its ability to pay the proffered wage. Upon *de novo* review, we will sustain the appeal.

The record on appeal establishes the Petitioner's correct EIN and contains evidence of its continuing ability to pay the proffered wage pursuant to 8 C.F.R. § 204.5(g)(2). The record otherwise establishes the eligibility of the Petitioner and the Beneficiary for the requested benefit. We will therefore withdraw the Director's decision and sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of LOLD-*, ID# 985500 (AAO Mar. 5, 2018)